


II. Conclusion

Applicants request the Examiner to enter the amendment and pass the pending claims to allowance. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-508/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claims 2 and 22 as follows:

2. The composition of claim + 52 wherein the foaming surfactant has a column height of greater than about 20 mm as determined by the Miles-Ross Test and is selected from the group consisting of non-ionic surfactants, cationic surfactants, amphoteric surfactants, anionic surfactant, and mixtures thereof.

22. The composition of claim + 52 further comprising at least one of the following:

- a) polymeric emulsifier and/or a thickener;
- b) a benefit agent; or

a nonionic emulsifier.

Please add new claims 52-85 as follows:

52. A foaming composition comprising:

a. a water dispersible component selected from the group consisting of polyethylene glycol 400, hexylene glycol, propylene glycol, polypropylene glycol-10 methylglucose ether, ethoxydiglycol, polyethylene glycol-6 caprylic/capric glycerides, ethylene glycol monobutyl ether, triisopropyl citrate, polyethylene glycol-8 caprylic/capric glycerides, 3-methoxy-3-methyl-1-butanol, dimethyl isosorbide, polyethylene-6 caprylic/capric triglyceride, and mixtures thereof;

b. at least two esters selected from the group consisting of

i) a branched C₅ to C₂₂ alkyl alcohol ester of an aromatic acid;

ii) a straight-chained or branched C₃ to C₂₂ alkyl acid esters of optionally ethoxylated/propoxylated polyols having from about 3 carbon atoms to about 7 carbon atoms;

iii) branched C₃ to C₂₂ alkyl alcohol esters of branched polyacids;

iv) branched or straight-chained C₃ to C₂₂ alkyl acid esters of branched and/or unsaturated C₅ to C₂₂ alkyl alcohols;

v) branched or unsaturated C₃ to C₂₂ alkyl alcohol esters of an acid selected from the group consisting of adipic acid, succinic acid, sebacic acid, maleic acid, and mixtures thereof

vi) polyether interrupted fatty acid esters;

vii) benzoic acid ester of heterogeneous alcohols having from about 8 carbon atoms to about 22 carbon atoms; and

viii) mixtures thereof

c. water; and a

d. foaming surfactant.

53. The composition of claim 52 wherein the water dispersible component is selected from the group consisting of hexylene glycol, dimethyl isosorbide, polyethylene glycol-6 caprylic/capric glyceride, and mixtures thereof.

54. The cleansing composition of claim 1 wherein the ester is selected from the group consisting of straight-chained or branched C₃ to C₂₂ alkyl acid esters of optionally ethoxylated/propoxylated polyols; benzoic acid esters of heterogeneous alcohols; and mixtures thereof.

55. The cleansing composition of claim 1 wherein the ester is selected from the group consisting of butyloctyl salicylate; hexyldecyl benzoate; and butyloctyl benzoate; alkyl benzoates having from about 12 carbon atoms to about 15 carbon atoms; and mixtures thereof.

56. The cleansing composition of claim 55 wherein the ester is selected from the group consisting of hexyldecyl benzoate, butyloctyl benzoate, and mixtures thereof.

57. The composition of claim 52 wherein the ester is selected from the group consisting of pentaerythritol tetraoctanoate; trimethylolpropane trioctanoate; trioctanoin; pentaerythrityl tetrapelargonate; sorbitan trioleate; caprylic/capric triglyceride; neopentyl alcohol tetraoctanoate, and mixtures thereof.

58. The composition of claim 57 wherein the ester is selected from the group consisting of caprylic/capric triglyceride; pentaerythritol tetraoctanoate; trimethylolpropane trioctanoate; pentaerythrityl tetrapelargonate; and mixtures thereof.

59. The composition of claim 52 wherein the ester is selected from the group consisting of branched alkyl alcohol esters of branched polyacids, wherein the alkyl alcohol is optionally substituted and contains from about 3 carbon atoms to about 22 carbon atoms.

60. The composition of claim 52 wherein the ester is trioctyldodecyl citrate and mixtures thereof.

61. The composition of claim 52 wherein the ester is selected from the group consisting of tridecyl neopentanoate, isostearyl palmitate, cetyl ricinoleate, cetyl octanoate, isononyl isononanoate, butyl stearate, octyldodecyl soyate, tridecyl erucate, octyldodecyl erucate/eicosil erucate, and mixtures thereof.

62. The composition of claim 61 wherein the ester is selected from the group consisting of cetyl octanoate, isostearyl palmitate, isononyl isononanoate, and mixtures thereof.

63. The composition of claim 52 wherein the ester is selected from the group consisting of diisopropyl adipate, dioctyl sebacate, dioctyl succinate, dioctyl maleate, diisostearyl adipate, diethyl sebacate, and mixtures thereof.

64. The composition of claim 63 wherein the ester is selected from the group consisting of diethyl sebacate, dioctyl sebacate, diisostearyl adipate, and mixtures thereof.

65. The composition of claim 52 wherein the ester is selected from the group consisting of laureth-2 benzoate; C₈ to C₂₂ fatty alkyl (optionally polypropylenoxy) polyethyleneoxy carboxylate esters derived from an alcohol having from about 1 carbon atom to about 22 carbon atoms; and mixtures thereof.

66. The composition of claim 65 wherein the ester is isopropyl propylene glycol-2-isodeceth-7 carboxylate.

67. The composition of claim 52 wherein the ester is selected from at least two of the following esters:

a) branched C₅ to C₂₂ alkyl alcohol esters of an aromatic acid;

b) branched or straight-chained C₅ to C₂₂ alkyl acid esters of branched or unsaturated C₅ to C₂₂ alkyl alcohols; and

c) straight-chained or branched C₅ to C₂₂ alkyl acid esters of optionally ethoxylated/propoxylated polyols.

68. The method of claim 67 wherein the hydrophilic thickening agent is selected from the group consisting of carbomers, acrylate copolymers, modified hydroxycellulose, polyvinylacetate/maleic anhydride (PVA/MA) decadiene crosspolymer, and mixtures thereof.

69. The method of claim 67 wherein the acrylate copolymers are selected from the group consisting of acrylates/aminoacrylates copolymer, acrylates/steareth-20 itaconate copolymer, acrylates/cetheth-20 itaconate copolymer, acrylates/steareth-20 methacrylate copolymer, and mixtures thereof.

70. The method of claim 67 wherein the hydrophilic phase is comprised of one or more of the following components: water, thickener, cleansing enhancer, nonfoaming surfactant, or water dispersible component.

71. The method of claim 67 wherein the lipophilic phase is comprised of one or more of the following components: silicone, ester, or polymeric emulsifier.

72. A method for making a water-in-oil emulsion comprised of:

a) neutralizing a hydrophilic thickening agent in a hydrophilic phase comprised of a polymeric emulsifier with an effective amount of a neutralizer under conditions sufficient before combining a lipophilic phase with the hydrophilic phase.

73. The method of claim 72 wherein the hydrophilic thickening agent is selected from the group consisting of carbomers, acrylate copolymers, modified hydroxycellulose, polyvinyl methyl ether/maleic anhydride (PVM/MA) decadiene crosspolymer, and mixtures thereof.

74. The method of claim 72 wherein the acrylate copolymers are selected from the group consisting of acrylates/aminoacrylates copolymer, acrylates/steareth-20 itaconate copolymer, acrylates/ceteth-20 itaconate copolymer, acrylates/steareth-20 methacrylate copolymer, and mixtures thereof.

75. The method of claim 72 wherein the hydrophilic phase is comprised of one or more of the following: water, thickener, cleansing enhancer, nonfoaming surfactant, and water dispersible component.

76. The method of claim 72 wherein the lipophilic phase is comprised of one or more of the following: silicone, ester, and polymeric emulsifier.

77. A method for depositing a benefit agent into and/or onto the skin, hair and/or nails comprising applying a composition comprising:

a. an optional liquid silicone;

b. a water dispersible component;

c. an ester;

d. a polymeric emulsifier and/or a thickener; and

e. an effective amount of a benefit agent

to a desired location on a human or animal.

78. The method of claim 77 wherein the composition is further comprised of a foaming surfactant, a cleansing enhancer, or a mixture thereof.

79. The method of claim 77 wherein the benefit agent is selected from the group consisting of colloidal oatmeal, olive leaf, soy and derivatives thereof, sulfonated shale oil, elubiol, 6-(1-piperidinyl)-2,4-pyrimidinediamine-3-oxide, finasteride, ketoconazole, salicylic acid, zinc pyrithione, coal tar, benzoyl peroxide, selenium sulfide, hydrocortisone, sulfur, menthol, pramoxine hydrochloride, tricetylammonium chloride, polyquaternium 10, panthenol, panthenol triacetate, vitamin A and derivatives thereof, vitamin B and derivatives thereof, vitamin C and derivatives thereof, vitamin D and derivatives thereof, vitamin E and derivatives thereof, vitamin K and derivatives thereof, keratin, lysine, arginine, hydrolyzed wheat proteins, hydrolyzed silk proteins, octyl methoxycinnamate, oxybenzone, minoxidil, titanium dioxide, zinc dioxide, retinol, erythromycin, tretinoin, DMAE, and mixtures thereof.

80. A method for depositing a benefit agent into and/or onto the skin, hair and/or nails comprising applying a composition comprising:

a. an optional liquid silicone;

b. a water dispersible component

c. an ester;

d. water;

e. a foaming surfactant; and

f. an effective amount of a benefit agent

to a desired location on a human or animal.

81. A foaming composition comprised of

a) water;

b) a water dispersible component selected from the group consisting of hexylene glycol, PEG-6 caprylic/capric triglycerides, and mixtures thereof;

c) an ester selected from the group consisting of isononyl isononanoate, isostearyl palmitate, cetyl octanoate, pentaerthritol tetraoctanoate, and mixtures thereof; and

d) a foaming surfactant selected from the group consisting of cocamide MEA, lauryl glucoside, PEG-50 tallow amide, cocamidopropylamine oxide, and mixtures thereof.

82. The foaming composition of claim 52 wherein the foaming surfactant is non-ionic, cationic, amphoteric, or anionic.

83. The composition of claim 52, in the form of a gel, a bath, a wash, a mousse, a shampoo, a rinse, a lotion, a cream, a wipe, a brush, a sponge, or a spray.

84. A foaming composition according to claim 1, comprising, based upon the total weight of the foaming composition,

a) from about 0.1 percent to about 30percent of a water dispersible component;

b) from about 0.1 percent to about 30 percent of an ester;

c) from about 1 percent to about 98 percent of water; and

d) froma bout 2 percent to about 30 percent of a foaming surfactant.

85. A method of cleansing skin, hair or nails, comprising the step of applying to said skin, hair or nails, the composition of claim 52.

Please cancel claims 45-51.